

Message Text

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ACTION L-02

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SUBJECT: ACTIVITY BY COMMITTEE OF THE WHOLE DURING PERIOD FEB.

12-14: UN 1975 RSIO CONFERENCE, VIENNA

SUMMARY. ON FEB. 12 TO 14 CONFERENCE COMMITTEE CONSIDERED ARTICLES 13 THROUGH 23. TENDENCY TO EQUATE PERMANENT AND OBSERVER MISSIONS CONTINUED. EFFORT TO INVOLVE ORGANIZATION ON QUESTION OF SIZE OF MISSION FAILED BY NARROW VOTE. AGAINST STRONG SOVIET OPPOSITION COMMITTEE VOTED AMENDMENT TO ARTICLE 23 ALLOWING LOCAL AUTHORITIES ACCESS TO MISSION PROPERTY IN EVENT OF FIRE OR DISASTER WITHOUT SPECIFIC PRIOR CONSENT. US BACKED AMENDMENT TO ARTICLE 22 ALSO WAS APPROVED WHICH WOULD REQUIRE ORGANIZATION ASSISTANCE TO HOST STATE IN SECURING DISCHARGE OF OBLIGATIONS OF SENDING STATES. END SUMMARY.

1. SOVIET MOVE TO POSTPONE CONSIDERATION OF ARTICLE 9 (APPOINTMENT OF MEMBERS OF MISSION) AND MORE SPECIFICALLY UK/CANADA AND US AMENDMENTS (PNG PROVISIONS) WAS OPPOSED BY UK AND US DELS. AS COMPROMISE, SIR VINCENT EVENAS (UK) PROPOSED THAT ARTICLE 75 BE CONSIDERED NOW ALONG WITH ARTICLE 9. FOLLOWING FURTHER DISCUSSION COMMITTEE AGREED TO GROUP BOTH ARTICLE 9 AND ARTICLE 75 AND DEBATE THEM ON FEB. 17. US DEL WAS STRONGLY OPPOSED TO ANY FURTHER DEFERRAL OF DEBATE ON PNG PROVISIONS, BELIEVING THAT CONFERENCE COMPOSITION WOULD

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LIKELY BECOME MORE UNFAVORABLE AND WE WOULD BE PRECLUDED

FROM INJECTING ISSUE UNDER OTHER ARTICLES.

2. ARTICLE 13 (COMPOSITION OF THE MISSION). IN LIGHT OF UNFAVORABLE REACTION TO US ARGUMENTS WHICH ATTEMPTED TO DRAW FURTHER DISTINCTIONS BETWEEN PERMANENT AND OBSERVER MISSIONS, US WITHDREW AMENDMENT WHICH ATTEMPTED MAKE SUCH A DISTINCTION. INSTEAD, WE PROPOSED ORAL AMENDMENT TO ADD TO ILC TEXT NOTION OF FUNCTIONAL LIMITS, I.E. "AS MAY BE APPROPRIATE TO THE FUNCTIONS OF THE MISSION." US AMENDMENT WAS OPPOSED BY SPAIN, PERU, VENEZUELA AND EGYPT AMONG OTHERS AND IN LIGHT SUCH OPPOSITION, WE WITHDREW IT. ILC TEXT WAS THEN APPROVED UNANIMOUSLY.

3. ARTICLE 14 (SIZE OF MISSION). US/CANADIAN AMENDMENT TO INSERT WORD "AS MAY BE AGREED UPON BETWEEN SENDING STATE, HOST STATE AND ORGANIZATION" WAS INTRODUCED BY CO-SPONSORS. COMMITTEE SHARPLY DIVIDED ON AMENDMENT WITH WEO AND ASIANS LARGELY IN SUPPORT OF AMENDMENT AND SOVBLOC AND LAS AGAINST IT. VENEZUELAN DEL MADE EFFECTIVE STATEMENT HOWEVER IN SUPPORT OF AMENDMENT. AFTER LIST OF SPEAKERS WAS CLOSED SUY (UN LEGAL COUNSEL) CRITICIZED AMENDMENT BECAUSE OF ITS TRIPARTITE ARRANGEMENT. HE ARGUED THAT IF DIFFICULTY AROSE BETWEEN SENDING AND HOST STATES, THEN ORGANIZATION UNDER ARTICLES 81 AND 82 COULD BE CONSULTED. DIFFICULTIES HAD TO BE SOLVED BETWEEN SENDING STATE AND HOST STATE EXCLUSIVELY, HE SAID. MEMBER US DEL (KELLER) HAD SPOKEN TO SUY EARLIER IN DAY AND LEARNED THAT HE WAS DISSATISFIED WITH AMENDMENT BUT WE GAINED IMPRESSION THAT IF WE DID NOT MAKE A REFERENCE TO EXISTING PRACTICE (E.G. UN BLUE BOOK AS P & I GUIDE) HE WOULD NOT MAKE UNHELPFUL INTERVENTION. SUY DID TELL US THAT SYG WOULD NOT WANT TO BECOME INVOLVED IN ANY DISPUTE OVER MISSION SIZE. US/CANADIAN AMENDMENT TO ARTICLE 14 WAS NARROWLY DEFEATED BY 24(US)-27(SOVBLOC, FRANCE, TURKEY, LAS)-10. FRENCH DEL OPPOSED BECAUSE HE DID NOT WANT UNESCO AS ORGANIZATION BECOMING MORE INVOLVED IN HOST COUNTRY AFFAIRS. ILC TEXT WAS THEN APPROVED BY 60(US)-0-1.

4. ARTICLE 15 (NOTIFICATIONS) WAS SUBJECT TO LARGE NUMBER OF AMENDMENTS. CAMEROON DEL, WHOSE AMENDMENT WAS SWEEPING AND LIMITED OFFICIAL USE

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CONTAINED NUMEROUS QUESTIONABLE POINTS, WAS EVENTUALLY WITHDRAWN. FRENCH PROPOSAL THAT SENDING STATE NOTIFY ORGANIZATION "IN ADVANCE" WAS REJECTED BY 14(US)-30(SOVBLOC, SPAIN, EGYPT, TANZANIA)-22. FRENCH DEL THEN WITHDREW OTHER RELATED AMENDMENTS. UK AMENDMENT WHICH WOULD REQUIRE SENDING STATE TO SEND NOTIFICATION BOTH TO ORGANIZATION AND HOST STATE WAS REJECTED BY 17-31(SOVBLOC, LAS, CANADA)-11(US). UK AMENDMENT WHICH WIDENED SORT OF NOTIFICATION TO BE GIVEN WAS APPROVED BY 54(US)-

0-11. DRAFTING CHANGE PROPOSED BY FRG WAS APPROVED BY 51(US)-0-8 (SPAIN, TURKEY). ARTICLE AS AMENDED WAS ACCEPTED BY 61(US)-2-3. AFTER VOTE FRENCH DEL (MUSEUX) AND AUSTRIAN DEL (ZEMANEK) WARNED THAT WITHOUT PRIOR NOTIFICATION THEIR STATES WOULD NOT CONSIDER THEMSELVES BOUND TO P & I IN INTERVAL BEFORE NOTIFICATION. US REP EXPLAINED US ABSTENTION ON UK AMENDMENT BECAUSE IT WOULD NOT HAVE INCLUDED SPECIFIC ASSIGNMENT OF RESPONSIBILITY TO ORGANIZATION TO NOTIFY HOST STATE.

5. FOR ARTICLE 16 (CHARGE'D'AFFAIRES AD INTERIM), UK PROPOSED SUBSTITUTE ACTING HEAD OF MISSION IN PLACE CHARGE'D'AFFAIRES AD INTERIM, ARGUING THAT LATTER TERM INAPPROPRIATE IN OTHER THAN PURELY DIPLOMATIC CONTEXT. US LENT ITS SUPPORT TO UK PROPOSAL RATHER THAN PROPOSING ITS OWN PREFERRED TERM OF PERMANENT REPRESENTATIVE. CAMEROON SUBMITTED COUNTERING AMENDMENT THAT TERM CHARGE'D BE KEPT, MAKING APPOINTMENT OF SUCH MANDATORY AND SPELLING OUT CONDITIONS FOR DOING SO. UK AMENDMENT CONSIDERED FIRST, WITH THREE (3) PART VOTE RESULTING IN ITS BASIC PROVISIONS BEING ADOPTED 35(US)-19-10 AND 40(US)-9-13.

6. ARTICLE 17 PRECEDENCE). BOTH PAKISTAN AND FRG DELS SUBMITTED IDENTICAL AMENDMENTS (LATTER WITHDREW IN FAVOR FORMER) TO HAVE PRECEDENCE DETERMINED BY DATE AND TIME PRESENTATION CREDENTIALS, ASSERTING THAT ALPHABETICAL ORDER SPECIFIED IN ILC DRAFT IS CONTRARY STANDARD DIPLOMATIC PRACTICE. US BELIEVED DELETION ENTIRE ARTICLE BEST AS OF INSUFFICIENT IMPORTANCE FOR INCLUSION IN CONVENTION. VENEZUELA PROPOSED COMPROMISE OF USING DATE AND TIME ONLY IN PROTOCOL MATTERS. CONSIDERABLE SENTIMENT FAVORING ALPHABETICAL SYSTEM DUE SIMPLICITY IN SEATING, VOTING ORDER AND ITS GENERAL USAGE IOS RESULTED IN DEFEAT DATE/TIME PRINCIPLE 15-24(US)-24 AND MIXED SYSTEM ALONG VENEZUELAN PROPOSAL 14-23(US)-25, WITH ADOPTION ILC TEXT 26-23(US)-15.
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7. ARTICLE 18 (OFFICE OF THE MISSION) WAS APPROVED AFTER BRIEF DEBATE IN WHICH FRG AMENDMENT ADOPTED. AMENDMENT'S FIRST PART, ACCEPTED 32(US)-1-23, STATED CURRENT PRACTICE, THAT MISSIONS SHOULD BE ESTABLISHED AT THE IO'S HEADQUARTERS. SECOND PART, WHICH US QUESTIONED AS POSSIBLY GIVING RISE TO AMBIGUITY BUT WHICH PASSED 29-6-26(US), GRANTED SENDING STATE RIGHT, SHOULD HOST STATE CONSENT, TO ESTABLISH MISSION OR OFFICE OF MISSION IN LOCALITY OTHER THAN IO'S SEAT OR IN WHICH ORGANIZATION HAS OFFICE IF IO RULES SO ADMIT. ARTICLE AS REVISED ADOPTED 40(US)-10-9.

8. ARTICLE 19 (USE OF FLAG AND EMBLEM). SOVIET BLOC-SPONSORED AMENDMENT PUT FORTH BY CZECHOSLOVAKIA AND MONGOLIA EXTENDED TO HEADS OF PERMANENT OBSERVER MISSIONS THE RIGHT

TO USE FLAG AND EMBLEM ON HIS RESIDENCE AND MEANS OF TRANSPORT.
PASSAGE OF AMENDMENT ASSURED AFTER EXPERT CONSULTANT EL-ERIAN

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CONFIRMED STATEMENT BY PERU THAT ORIGINALLY ILC HAD NOT
TAKEN POSITION REFLECTED IN DRAFT ARTICLE. VOTE WAS 44-1
(PHILIPPINES)-20(US),FRANCE, ITALY).

9. DRIVE AMONG DELEGATES TO REDUCE OR ERADICATE DISTINCTION
AMONG PERMANENT MISSIONS AND PERMANENT OBSERVER MISSIONS
CONTINUED UNABATED INTO DISCUSSION ARTICLE 20 (GENERAL
FACILITIES), WHERE DUTCH-SWISS AND CZECHOSLOVAKIA-MONGOLIA
JOINED PROPOSALS TO COMBINE PARAGRAPHS 1(A) AND (B) AND
SUBSTITUTE THE PHRASE "ALL THE FACILITIES REQUIRED". THIS
AMENDMENT QUICKLY CAME TO VOTE, BEING REFERRED TO DRAFTING
COMMITTEE 60(US)-0-2(TURKEY, SPAIN).

10. ARTICLE 21 (PREMISES AND ACCOMMODATION) OCCASIONED
LENGTHY DISCUSSION ON RELATIVE RESPONSIBILITIES OF HOST STATE
AND ORGANIZATION IN ASSISTING SENDING STATES TO SECURE
SUITABLE FACILITIES FOR MISSION AND MISSION MEMBERS. DUTCH
SOUGHT TO HAVE ORGANIZATION PLAY LARGER ROLE THAN SPECIFIED
BY ILC TEXT BY INTRODUCING AMENDMENT REQUIRING IN PARA 1 THAT
ORGANIZATION RATHER THAN HOST STATE ASSIST SENDING STATE IN
OBTAINING MISSION PREMISES, WITH THE HOST STATE PLAYING
SECONDARY ROLE OF FACILITATING IN THEIR ACQUISITION. DURING
COURSE OF THREE VOTES ON FIRST SENTENCE PARAGRAPH 1 CONCERNING

ASSISTANCE OBTAINING MISSION PREMISES, HOST STATE FIRST ADDED AFTER ORGANIZATION AND THEN PLACED BEFORE. THE REQUIREMENT LIMITED OFFICIAL USE

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THAT HOST STATE AND ORGANIZATION ASSIST SENDING STATE IN OBTAINING MISSION PREMISES ACCEPTED 31(US)-16-13, WITH VOTE TO PLACE "HOST STATE" BEFORE "ORGANIZATION" IN PARA ONE (35-10-13(US)), DUTCH WITHDREW SECOND PARA OF THEIR AMENDMENT AND ILC TEXT REMAINED. MINOR FRG CLARIFYING PROPOSAL TO ADD PHRASE "AT REASONABLE CONDITIONS" AFTER WORD "ACCOMMODATION" IN ILC PARA 2 ACCEPTED 45(US)-3-13. US ABSTAINED IN SIMILAR AMENDMENT PROPOSED BY VENEZUELA FOR PARA ONE (35-0-23). ARTICLE AS AMENDED PASSED 55(US)-0-4.

11. ARTICLE 22 (ASSISTANCE AND IMMUNITIES). US, IN CONJUNCTION WITH BELGIUM AND JAPAN, SUBMITTED PROPOSAL TO ADD NEW PARAGRAPH INVITING ORGANIZATION TO ASSIST HOST STATE IN PREVENTING ABUSE P & I. SIMILAR AMENDMENT TABLED BY AUSTRIANS, IN WHICH ORGANIZATION CALLED UPON TO ASSIST HOST STATE IN SECURING DISCHARGE OF SENDING STATE'S OBLIGATIONS. SPEAKERS FROM WIDE SPECTRUM (POLAND, PERU, GREECE) ALL SUPPORTED NEED FOR SUCH COMPLEMENTARY PARAGRAPH TO ILC TEXT, WITH TENOR OF INTERVENTIONS FAVORING AUSTRIAN PROPOSAL. AFTER UNANIMOUS ACCEPTANCE AUSTRIAN AMENDMENT US SOUGHT RULING FROM CHAIR WHETHER AUSTRIAN PROPOSAL ENCOMPASSED US AMENDMENT. UPON AFFIRMATIVE RESPONSE, US WITHDREW AMENDMENT. ARTICLE AS AMENDED THEN UNANIMOUSLY REFERRED TO DRAFTING COMMITTEE.

12. IN CORRIDOR CONVERSATION EARLIER SOVIET DEL (KUZNETSOV) ATTEMPTED TO PERSUADE SMITH (US DEL) TO WITHDRAW WEO AMENDMENTS THIS ARTICLE AND INTRODUCE LATER UNDER ARTICLE 75. WE DEMURRED AT THIS SUGGESTION.

13. ARTICLE 23 (INVIOABILITY OF THE PREMISES). US WRITTEN AMENDMENTS PROPOSED SENTENCE ALLOWING LOCAL AUTHORITIES ACCESS TO MISSION PROPERTY IN EVENT FIRE OR DISASTER WITHOUT SPECIFIC PRIOR CONSENT IN PLACE THIRD SENTENCE PARA 1 ILC TEXT ARTICLE, AND ADDED SENTENCE TO PARA 3 CONCERNING RIGHT TO MOVE CARS CREATING PUBLIC HAZARD. OUR CONSULTATION DURING EXTENSIVE LOBBYING REVEALED THAT MOST AGREED THAT US HAD RIGHT UNDER ILC TEXT TO TOW MOTOR VEHICLES CREATING SERIOUS PUBLIC HAZARD OR ENDANGERING PUBLIC SAFETY BUT THAT IT WOULD BE UNWISE TO PRESS FOR INCLUSION IN TEXT. AT TIME ORAL INTRODUCTION TWO US AMENDMENTS US WITHDREW ITS AMENDMENT TO PARA 3, NOTING THAT LIMITED OFFICIAL USE

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INFORMAL DISCUSSIONS REVEALED IT NOT NECESSARY INASMUCH AS TECHNICAL LANGUAGE ILC PARA 3 COULD NOT BE INTERPRETED AS PREVENTING HOST STATE FROM TAKING ACTION DESCRIBED. DURING DEBATE ON ARTICLE NO DELEGATION CONTESTED THIS INTERPRETATION AND SEVERAL INTERVENTIONS (INCLUDING PERU AT OUR REQUEST) SUPPORTED US INTERPRETATION.

14. SOVLBOC PROPOSED DELETION THIRD SENTENCE ILC TEXT WHICH WOULD ALLOW HOST STATE TO ASSUME CONSENT UNDER CERTAIN CONDITIONS. FRENCH TABLED SHORT CLARIFYING AMENDMENT TO ILC PARA 1 PHRASE SUBSTITUTING WORDS "REQUIRING PROMPT PROTECTIVE ACTION". DEBATE LARGELY ISOLATED SOVBLOC IN DEFENDING CONCEPT OF ABSOLUTE INVIOABILITY. WHEN CHAIR RULED SOVBLOC PROPOSAL WOULD BE PUT TO VOTE BEFORE US AND FRENCH PROPOSAL USSR CALLED FOR ROLL CALL VOTE AND THEN PROPOSAL WAS REJECTED 22-27(US)-14. US AMENDMENT INCORPORATING FRENCH SUB-AMENDMENT WHICH WE ACCEPTED FROM FLOOR THEN PASSED 33-18-12.HUMES

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